

Senate File 88 - Introduced

SENATE FILE 88

BY KINNEY

A BILL FOR

1 An Act relating to the use of a simulated firearm or simulated
2 explosive when committing a robbery, the criminal offense of
3 intimidation, or other crimes, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 702.26 Simulated firearm or
2 simulated explosive.

3 A simulated firearm or simulated explosive is a device
4 or explosive that appears to be a firearm or explosive when
5 displayed or when represented to be a firearm or explosive.

6 Sec. 2. Section 708.6, Code 2017, is amended to read as
7 follows:

8 **708.6 Intimidation with a dangerous weapon or simulated**
9 **firearm or simulated explosive.**

10 1. A person commits a class "C" felony when the person,
11 with the intent to injure or provoke fear or anger in another,
12 shoots, throws, launches, or discharges a dangerous weapon
13 or displays or represents a simulated firearm or simulated
14 explosive to be a firearm or explosive capable of being shot,
15 thrown, launched, or discharged at, into, or in a building,
16 vehicle, airplane, railroad engine, railroad car, or boat,
17 occupied by another person, or within an assembly of people,
18 and thereby places the occupants or people in reasonable
19 apprehension of serious injury or threatens to commit such an
20 act under circumstances raising a reasonable expectation that
21 the threat will be carried out.

22 2. A person commits a class "D" felony when the person
23 shoots, throws, launches, or discharges a dangerous weapon
24 or displays or represents a simulated firearm or simulated
25 explosive to be a firearm or explosive capable of being shot,
26 thrown, launched, or discharged at, into, or in a building,
27 vehicle, airplane, railroad engine, railroad car, or boat,
28 occupied by another person, or within an assembly of people,
29 and thereby places the occupants or people in reasonable
30 apprehension of serious injury or threatens to commit such an
31 act under circumstances raising a reasonable expectation that
32 the threat will be carried out.

33 Sec. 3. Section 711.2, Code 2017, is amended to read as
34 follows:

35 **711.2 Robbery in the first degree.**

1 A person commits robbery in the first degree when, while
2 perpetrating a robbery, the person purposely inflicts or
3 attempts to inflict serious injury, or is armed with a
4 dangerous weapon or simulated firearm. Robbery in the first
5 degree is a class "B" felony.

6 Sec. 4. Section 723A.1, subsection 1, paragraph c, Code
7 2017, is amended to read as follows:

8 c. An offense constituting a violation of [section 708.6](#)
9 involving intimidation with a dangerous weapon or simulated
10 firearm or simulated explosive.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the use of a simulated firearm or
15 simulated explosive when committing a robbery, the criminal
16 offense of intimidation, or other crimes.

17 The bill defines a simulated firearm or simulated explosive
18 to mean a device or explosive that appears to be a firearm or
19 explosive when displayed or when represented to be a firearm
20 or explosive.

21 The bill modifies the definition of robbery in the first
22 degree to include instances when a person is armed with a
23 simulated firearm. Robbery in the first degree is a class "B"
24 forcible felony and is subject to 70 percent sentence under
25 Code section 902.12. A class "B" felony is punishable by
26 confinement for no more than 25 years.

27 The bill modifies the elements of the criminal offense
28 of intimidation with a dangerous weapon to include use of a
29 simulated firearm or simulated explosive.

30 Under the bill, a person commits intimidation with a
31 dangerous weapon classified as a class "C" felony, if the
32 person, with the intent to injure or provoke fear or anger in
33 another, shoots, throws, launches, or discharges a dangerous
34 weapon or displays or represents a simulated firearm or
35 simulated explosive to be a firearm or explosive capable of

1 being shot, thrown, launched, or discharged at, into, or in a
2 building, vehicle, airplane, railroad engine, railroad car,
3 or boat, occupied by another person, or within an assembly
4 of people, and thereby places the occupants or people in
5 reasonable apprehension of serious injury or threatens to
6 commit such an act under circumstances raising a reasonable
7 expectation that the threat will be carried out. A class "C"
8 felony is punishable by confinement for no more than 10 years
9 and a fine of at least \$1,000 but not more than \$10,000.

10 Under the bill, a person commits intimidation with a
11 dangerous weapon classified as a class "D" felony, if the
12 person shoots, throws, launches, or discharges a dangerous
13 weapon or displays or represents a simulated firearm or
14 simulated explosive to be a firearm or explosive capable of
15 being shot, thrown, launched, or discharged at, into, or in a
16 building, vehicle, airplane, railroad engine, railroad car,
17 or boat, occupied by another person, or within an assembly
18 of people, and thereby places the occupants or people in
19 reasonable apprehension of serious injury or threatens to
20 commit such an act under circumstances raising a reasonable
21 expectation that the threat will be carried out. A class "D"
22 felony is punishable by confinement for no more than five years
23 and a fine of at least \$750 but not more than \$7,500.

24 The bill adds the definition of simulated firearm or
25 simulated explosive to Code chapter 702 (criminal code
26 definitions). The term "simulated explosive" appears in Code
27 sections 708.7 (harassment) and 712.6 (explosive or incendiary
28 device). By adding the definition of "simulated explosive" to
29 Code chapter 702 (criminal code definitions), the bill also
30 codifies the definitions for "simulated explosive" under Code
31 sections 708.7 (harassment) and 712.6 (explosives or incendiary
32 device).